

# Nebraska Public Service Commission

**COMMISSIONERS:**

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**EXECUTIVE DIRECTOR:**

MICHAEL G. HYBL

Received & Inspected

SEP 25 2009

FCC Mail Room

September 24, 2009

Marlene H. Dortch  
Office of the Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW, Room TW-A306  
Washington, DC 20554

Karen Majcher  
Vice President, High Cost and Low Income Division  
Universal Service Administrative Company  
2000 L Street, NW, Suite #200  
Washington, DC 20036

RE: Certification of Support for Rural and Non-Rural High-cost Carriers  
Pursuant to 47 C.F.R Sections 54.313-314, CC Docket Nos. 96-45 and 00-256

To the Filing Representatives:

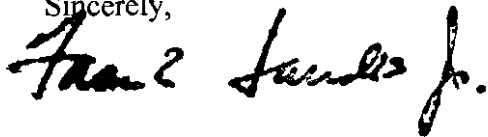
The Nebraska Public Service Commission hereby certifies that all federal high cost support provided to the listed rural and non-rural carriers in this state, will be used only for the provision, maintenance, and upgrading of facilities and services for which the support is intended, consistent with section 254(e) of the Communications Act of 1934, as amended. This includes High Cost Loop (HCL) support, Local Switching Support (LSS), High Cost Model (HCM) support, and high cost support received pursuant to the purchase of exchanges.

Attached is Application No. NUSF-25, Progression Order No. 23/NUSF-66 as approved by the Nebraska Public Service Commission on September 22, 2009. The Commission order lists those rural and non-rural carriers certified by the Nebraska Public Service Commission pursuant to sections 54.313 and 54.314 of the FCC's rules (47 C.F.R. §§ 54.313, 54.314), which requires states to establish an annual certification process for rural and non-rural carriers receiving federal high cost support. As requested by the Universal Service Administrative Company, a listing of these carriers and their assigned study area code (SAC), if known, has been included as an attachment to this letter.

Ms. Marlene Dortch, Secretary, Federal Communications Commission  
Ms. Karen Majcher, Universal Service Administration Company  
September 24, 2009  
Page -2-

Additionally, pursuant to section 54.316 of the Federal Communication Commission (FCC) rules, the above referenced order certifies the reasonable comparability of residential rates in rural area of Nebraska, served by non-rural incumbent local exchange carriers (ILECs) to urban rates on a national level.

Sincerely,

A handwritten signature in black ink, appearing to read "Frank E. Landis Jr.", written in a cursive style.

Frank E. Landis, Chair

FEL/bz

Enclosure

# Nebraska Public Service Commission

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SEP 5 2009

FCC Mail Room

September 23, 2009

## CERTIFICATION

To Whom It May Concern:

I, Mike Hybl, Executive Director of the Nebraska Public Service Commission, hereby certify that the enclosed is a true and correct copy of the original order made and entered in the proceeding docketed as Application No. NUSF-25, Progression Order No. 23 and NUSF-66, on the 22nd day of September, 2009. The original order is filed and recorded in the official records of the Commission.

Please direct any questions concerning this order to Sue Vanicek, Director, at 402-471-3101.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of the Nebraska Public Service Commission, Lincoln, Nebraska, this 23rd day of September, 2009.

Sincerely,

Mike Hybl  
Executive Director

MH:bz

Enclosure

cc: Nebraska ETCs and NETCs

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska ) APPLICATION NO. NUSF-25  
Public Service Commission, on ) Progression Order No. 23  
its own motion, seeking to )  
establish guidelines for the )  
purpose of certifying the use )  
of federal universal service )  
support. )

In the Matter of the Nebraska ) APPLICATION NO. NUSF-66  
Public Service Commission, on )  
its own motion, seeking to )  
establish guidelines for the )  
purpose of certifying the use )  
of state universal service )  
support. ) Entered: September 22, 2009

BY THE COMMISSION:

O P I N I O N   A N D   F I N D I N G S

1. On May 15, 2007, the Nebraska Public Service Commission (Commission) established a process for verifying whether all federal high-cost support will be used for its intended purpose, pursuant to 47 C.F.R §§ 54.313 and 54.314, and CC Docket No. 96-45; and whether all state high-cost support will be used for its intended purpose pursuant to Neb. Rev. Stat. § 86-324. See Application Nos. NUSF-25/NUSF-66, Progression Order #18 (May 15, 2007).

2. By June 1st of each year, each eligible telecommunications carrier (ETC) and Nebraska eligible telecommunications carrier (NETC) is required to file with the NTIPS Department an adequate description of how the high-cost funding support has been used and an adequate description of how high-cost support will be used during the next year.

3. Upon its review, the Commission finds that the following carriers adequately filed information demonstrating that they will use federal high-cost support for its intended purpose, pursuant to 47 C.F.R §§ 54.313 (non-rural carriers) and 54.314 (rural carriers) and CC Docket No. 96-45:

Allo Communications, LLC  
Alltel Wireless

# SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

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Application Nos. NUSF-25/NUSF-66

Page 2

Arapahoe Telephone Company dba ATC Communications  
Arlington Telephone Company  
Benkelman Telephone Company, Inc.  
Blair Telephone Company  
Cambridge Telephone Company  
Citizens Telecommunications Company of Nebraska, Inc.,  
    aka Frontier  
Clarks Telecommunications Company  
Consolidated Telco, Inc.  
Consolidated Telecom, Inc.  
Consolidated Telephone Company  
Cozad Telephone Company  
Curtis Telephone Company, Inc.  
Dalton Telephone Company, Inc.  
Diller Telephone Company  
Eastern Nebraska Telephone Company  
Elsie Communications, Inc.  
Glenwood Telephone Membership Corporation  
Golden West Telecommunications Cooperative, Inc.  
Great Plains Communications, Inc.  
Hamilton Telephone Company  
Hartington Telecommunications Company, Inc.  
Hartman Telephone Exchanges, Inc.  
Hemingford Cooperative Telephone Company  
Henderson Cooperative Telephone Company  
Hershey Cooperative Telephone Company  
Hooper Telephone Company dba WestTel Systems  
Huntel Cablevision dba Huntel Communications  
K & M Telephone Company, Inc.  
Keystone-Arthur Telephone Company  
Mobius Communications  
Nebraska Central Telephone Company  
Nebraska Technology and Telecommunications, Inc.  
NE Colorado Cellular d/b/a Viaero Wireless  
Northeast Nebraska Telephone Company  
Orbitcom, Inc.  
Pierce Telephone Company, Inc.  
Pinpoint Communications  
Plainview Telephone Company, Inc.  
Qwest Corporation  
Rock County Telephone Company  
Sodtown Telephone Company  
Southeast Nebraska Telephone Company  
Stanton Telecom, Inc.  
Three River Telco  
Three River Communications

United Telephone Company of the West d/b/a Embarq  
U.S. Cellular Corporation (USCC)  
Vivian Telephone Company  
Wauneta Telephone Company  
Windstream Nebraska Inc.

4. Accordingly, the Commission will provide certification to the Administrator of the federal high-cost universal service support mechanisms and the Federal Communications Commission (FCC), that the above-listed carriers will use federal high-cost support only for the provision, maintenance, and upgrading of facilities and/or service for which the support is intended in accordance with § 254(e) of the Telecommunications Act of 1996, as amended.

5. The Commission may continue to review the ETC/NETC filings on an ongoing basis. The Commission may modify its requirements or thresholds for certification. Therefore, the certification in this Order shall not be construed as precedent as to whether levels of investment or types of investment will be considered acceptable by the Commission in the future.

6. As such, the NTIPS Department should continue its review of the ETC/NETC filings and notify the carrier with any concerns with the June 2009 ETC/NETC verification filings. The Commission will give the carrier an opportunity for a hearing with respect to any concerns which would cause the Commission to conclude that an ETC's or NETC's high-cost certification should be de-certified or revoked.

7. On October 27, 2003, the FCC released its Order on Remand, Further Notice of Proposed Rulemaking, and Memorandum Opinion and Order in CC Docket 96-45, FCC 03-249 (Order on Remand). In that Order, the FCC expanded the state certification process. Each state is required to review its rates in rural, high-cost areas served by non-rural carriers annually to assess the comparability of those rates to urban rates nationwide. See also 47 C.F.R. § 54.316. States are required to file a certification with the FCC by October 1<sup>st</sup> annually, stating whether its rates are reasonably comparable to nationwide urban rates, or in the alternative, explain why they are not.

8. The Commission finds that the following non-rural carrier(s) charge rural rates which fall below the safe harbor and are therefore presumably reasonably comparable:

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

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Application Nos. NUSF-25/NUSF-66

Page 4

Qwest Communications Corporation (Qwest)  
Windstream Nebraska Inc.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the Department certify to the Administrator of the federal high-cost universal service support mechanisms and the Federal Communications Commission, that the above-listed eligible telecommunications carriers will use federal high-cost support only for the provision, maintenance, and upgrading of facilities and/or service for which the support is intended, in accordance with § 254(e) of the Telecommunications Act of 1996, as amended.

IT IS FURTHER ORDERED that the Department certify to the Federal Communications Commission that the above-listed non-rural carriers are charging rates reasonably comparable to the nationwide urban rate benchmark as described herein.

MADE AND ENTERED at Lincoln, Nebraska this 22nd day of September, 2009.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

*Gerald L. ...*

*James L. ...*  
Chairman

*Tim Schram*

//s// Frank E. Landis

ATTEST

*Theresa ...*  
Executive Director

Application No. NUSF-25/NUSF-66, Progression Order No. #23  
 Federal High Cost Support - Study Area by Carrier  
 Attachment to Nebraska Commission Order 9/22/2009

<u>COMPANY NAME</u>	<u>STUDY AREA CODE (SAC)</u>
Allo Communications	379010
Alltel Wireless	379021
Arapahoe Telephone (ATC Communications)	371516
Arlington Telephone Company	371517
Benkelman Telephone Company	372455
Blair Telephone Company	371524
Cambridge Telephone Company	371526
Citizens Telecommunications	371128
Clarks Telecommunications Co.	371531
Consolidated Telco, Inc.	371530
Consolidated Telecom, Inc. frmly Home Telephone and Eustis Telephone	371562 371545
Consolidated Telephone Co.	371532
Cozad Telephone Co.	371534
Curtis Telephone Co.	371536
Dalton Telephone Co.	371537
Diller Telephone Co.	371540
Eastern Nebraska Telephone Co.	371542
Elsie Telephone Co.	371518
Embarq/United Telephone company of the West	371595
Glenwood Telephone	371553
Golden West Telecommunications Coop	391659
Great Plains Communications	371577
Hamilton Telephone Co.	371555
Hartington Telecommunications Co.	371556
Hartman Telephone	371557



Hemingford Cooperative	371558
Henderson Cooperative	371559
Hershey Cooperative	371561
Hooper Telephone Company dba WesTel	371563
Huntel Cablevision dba Huntel Communications	379016
K&M Telephone Company	371565
Keystone-Arthur Telephone	371567
Mobius Communications	379014
Nebraska Central Telephone	371574
Nebraska Technology and Telecommunications	379004
NE Colorado Cellular dba Viaero Wireless	379008
Northeast Nebraska Telephone	371576
Orbitcom, Inc.	379009
Pierce Telephone Co.	371581
Pinpoint Communications	379003
Plainview Telephone	371582
Qwest Communications Corporation	375143
Rock County Telephone	371586
Sodtown Telephone	371590
Southeast Nebraska Telephone	371591
Stanton Telecom, Inc.	371592
Three River Telco	371525
Three River Communications	379015
United States Cellular Corporation (USCOC of Nebraska/Kansas	379019
Vivian Telephone	391686
Wauneta Telephone	371597
Windstream Nebraska, Inc. f/k/a ALLTEL Nebraska, Inc.	371568